

CHAPTER 2 PROVISIONS OF THE IRP AGREEMENT

2.000 Introduction

This chapter clarifies those sections of the official IRP Agreement that define the most basic IRP registrant qualification requirements and/or registration options. Much of the content of the remainder of this handbook is also based on the requirements of the IRP Agreement and the California Vehicle Code (CVC) and, where that is true, the applicable IRP Agreement or CVC code sections are cited.

2.005 IRP Member Jurisdictions

The following states and Canadian provinces are the member jurisdictions that participate in the IRP Agreement:

| | | |
|------------------------|---------------------|---------------------------|
| Alabama (AL) | Manitoba (MB) | Oklahoma (OK) |
| Alberta (AB) | Maryland (MD) | Ontario (ON) |
| Arizona (AZ) | Massachusetts (MA) | Oregon (OR) |
| Arkansas (AR) | Michigan (MI) | Pennsylvania (PA) |
| British Columbia (BC) | Minnesota (MN) | Prince Edward Island (PE) |
| California (CA) | Mississippi (MS) | Quebec (QC) |
| Colorado (CO) | Missouri (MO) | Rhode Island (RI) |
| Connecticut (CT) | Montana (MT) | Saskatchewan (SK) |
| Delaware (DE) | Nebraska (NE) | South Carolina (SC) |
| Dist. of Columbia (DC) | Nevada (NV) | South Dakota (SD) |
| Florida (FL) | New Brunswick (NB) | Tennessee (TN) |
| Georgia (GA) | New Hampshire (NH) | Texas (TX) |
| Idaho (ID) | New Jersey (NJ) | Utah (UT) |
| Illinois (IL) | New Mexico (NM) | Vermont (VT) |
| Indiana (IN) | New York (NY) | Virginia (VA) |
| Iowa (IA) | Newfoundland (NL) | Washington (WA) |
| Kansas (KS) | North Carolina (NC) | West Virginia (WV) |
| Kentucky (KY) | North Dakota (ND) | Wisconsin (WI) |
| Louisiana (LA) | Nova Scotia (NS) | Wyoming (WY) |
| Maine (ME) | Ohio (OH) | |

2.010 Requirements to Qualify for IRP Registration (IRP Plan, Article II)

Commercial vehicle operators must meet the following requirements to qualify for IRP registration:

- Operate one or more commercial vehicles in two or more IRP member jurisdictions.
- Have an established place of business in an IRP member jurisdiction

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2.015 Determining Base Jurisdiction (IRP Article II, Section 210)

“Base Jurisdiction” means, for purposes of fleet registration, the jurisdiction where the registrant has an established place of business, where distance is accrued by the fleet and where operational records of such fleet are maintained or can be made available in accordance with the provisions of Section 1602 of the IRP Agreement.

2.020 Owner-Operator Registration Options (IRP Article IX, Sections 902, 904, 906)

In the case of owner-operators, the IRP Agreement provides two IRP registration options as follows:

1. “The owner-operator may be the registrant and the vehicle may be registered in the name of the owner-operator. The allocation of fees shall be according to the operational records of the owner-operator. The identification plates and cab card shall be the property of the owner-operator and may reflect both the owner-operator’s name and that of the motor carrier as lessee.”
2. “The lessee motor carrier has an option to register as the registrant for the owner-operator. The vehicle may be registered by the motor carrier but must be in both the owner-operator’s name and the motor carrier as lessee. The allocation of fees shall be according to the records of the motor carrier (lessee).

Note: Original and vehicle addition supplements submitted for lessee motor carrier fleets as described in #2 above must include a copy of the lease agreement for each vehicle listed on the application.

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2.025 **Established Place of Business-Defined (IRP Article II, Section 218)**

- (a) "Established Place of Business" means a physical structure owned, leased or rented by the fleet registrant.
- (b) The physical structure shall be designated by a street number or road location, be open during normal business hours, and have located within it:
 - (1) A telephone or telephones publicly listed in the name of the fleet registrant,
 - (2) a person or persons conducting the fleet registrant's business, and
 - (3) the operational records of the fleet (unless such records can be made available in accordance with the provisions of IRP Agreement, Section 1602).

Rental of a desk or desk space in a structure, that is not owned, leased, or rented by the fleet owner, does not constitute a valid place of business for purposes of IRP qualification.

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2.030 Apportionable (IRP) Vehicles Defined (IRP Article II, Section 204)

“Apportionable Vehicle” means any vehicle, except recreational vehicles, vehicles displaying restricted plates, city pick up and delivery vehicles, buses used in transportation of chartered parties, and Government-owned vehicles, used or intended for use in two or more member jurisdictions that allocate or proportionally register vehicles and is used for the transportation of persons for hire or designed, used or maintained primarily for the transportation of property and:

- 1) is a power unit having two axles and a gross vehicle weight or registered gross vehicle weight in excess of 26,000 pounds or 11,793.401 kilograms; or
- 2) is a power unit having three or more axles, regardless of weight; or
- 3) is used in combination, when the weight of such combination exceeds 26,000 pounds or 11,793.401 kilograms gross vehicle weight.

Trucks and truck tractors, and combinations of vehicles having a gross vehicle weight of 26,000 pounds or 11,793.401 kilograms or less and buses used in transportation of chartered parties may be proportionally registered at the option of the registrant.

California Exceptions:

- (a) Non-resident charter buses, regardless of weight, must have some form of California registration to operate in this state. See Chapter 12 for non-resident registration alternatives.
- (b) Non-resident motor vehicles weighing 26,000 pounds or less and designed with a cargo carrying capacity, such as pickup trucks and cargo vans that are used in the furtherance of a commercial enterprise and operated intrastate in California must have some form of California registration. See Chapter 12 for non-resident registration alternatives.

NOTE: VEHICLES OPERATING INTRASTATE ONLY ARE NOT ELIGIBLE FOR APPORTIONED REGISTRATION.

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2.035 Household Goods Carriers (IRP Article XII, Section 1200-1206)

Equipment Leased From Service Representative

A Household Goods Carrier using a vehicle leased from a service representative may elect to base the vehicle in the base jurisdiction of the service representative, or that of the carrier.

Owner-Operator Leased Equipment

A Household Goods Carrier shall register an owner-operator's vehicle, except one owned by a service representative, when the vehicle is used to transport cargo exclusively for a Household Goods Carrier. The vehicle shall be registered in the Household Goods Carrier's base jurisdiction. The vehicle shall be registered in both the owner-operator's and the Household Goods Carrier's names. The Household Goods Carrier's records shall be used to determine apportioned fees.

Registration in Base Jurisdiction of Service Representative

In those cases where Household Goods Carrier equipment is elected to be registered in the base jurisdiction of the service representative, the equipment shall be registered in said service representative's name and that of the carrier as lessee with the apportionment of fees according to the combined records of the service representative and those of the carrier, and such records must be kept or made available in the service representative's base jurisdiction.

Registration in Base Jurisdiction of Carrier

If the election is the base jurisdiction of the carrier, and such jurisdiction is a member jurisdiction, the equipment shall be registered by and in the name of the carrier and that of the service representative as lessor with the apportionment of fees according to the records of the carrier and the service representative which must include intrajurisdictional miles or kilometers operated by those vehicles applicable under the agreement.

The records must be kept or made available in the base jurisdiction of the carrier. Service representatives properly registered under this election shall be fully registered for operations under their own authority as well as under the authority of the carrier.

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2.040 Rental Passenger Vehicle Fleets (IRP Article XI, Section 1116)

Rental Passenger car registrations may be allocated based on revenue earned in each jurisdiction. Properly allocated rental passenger cars may be rented from any member jurisdiction.

To determine the percentage of total fleet vehicles to be registered in a jurisdiction:

1. Divide the gross revenue earned in a jurisdiction in the preceding year for the use of all rental passenger cars by the gross rental revenue earned in all jurisdictions.
2. Multiply the number of vehicles in the rental fleet by the percentage determined in (1).

2.045 One-Way Fleets (IRP Article XI, Section 1122)

Owners of trucks registered 26,000 pounds (GVW) or less identified as a part of a one-way fleet must:

- 1) Allocate all one-way rental vehicles to the respective member jurisdictions as determined in the IRP Agreement, Section 300 and must (full plate) register a proportionate number of one-way rental vehicles in each member jurisdiction; or
- 2) Apportion all one-way rental vehicles pursuant to the IRP Agreement, Article III, Section 204.

Any truck registered pursuant to this section may be used in interjurisdictional and intrajurisdictional operation.

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2.050 Motor Bus Apportionment (IRP Article XIII)

Apportionment of Fees

The apportionment of motor bus registration fees shall be based solely on the relationship of base jurisdiction distance versus total distance operated. Apportionment shall be accomplished as provided in Article XIII of the IRP Agreement.

Application Filing

The registrant shall file an application for apportioned registration with the base jurisdiction listing buses assigned in pools.

Determination of Total Miles or Kilometers

At the option of the registrant, total distance may be the sum of all actual in-jurisdiction distance or a sum equal to the scheduled route distance per jurisdiction from the farthest point of origination to the farthest point of destination of the scheduled pool.

Determination of In-Jurisdiction Distance Percent

After determining the total distance as indicated above, in-jurisdiction distance percent factors shall be derived by dividing the total distance into the in-jurisdiction distance.

Distances Operated Outside of Pool Area

Distances generated outside the designated pool are deemed to be reciprocity distance and the base jurisdiction may add such distances to the base jurisdiction's distance total.

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2.055 Cab Cards (IRP Article V, Section 502)

The IRP registration certificate, known as a “cab card”, is issued by the base jurisdiction. The information on the cab card is derived from the information supplied to DMV by the applicant on the various application documents. Law enforcement officers in all IRP jurisdictions will enforce their vehicle operation laws according to the information contained on the cab card. Therefore, it is extremely important that the vehicle identification and weight information supplied to, and printed by DMV, on the cab card be accurate. It is of utmost importance for the applicant to review the cab cards for accuracy and notify DMV immediately if any information is incorrect or is changed in any way. California cab cards:

1. Identify the vehicle by license plate number, owner equipment number, make, and vehicle identification number with a general vehicle description such as; axles, unladen weight, mode of power, type of carrier, and the IRP account information.
2. List the jurisdictions where the vehicle is authorized to operate and the maximum weight for each qualified IRP jurisdiction.
3. Identify the qualified operating weight in pounds if jurisdiction is an American State and in kilograms if the jurisdiction is a Canadian Province.
4. Indicate in the jurisdiction weight fields the number of seats (including the driver), instead of the maximum operating weight, when the “type” field identifies the vehicle as a “BS” (bus).
5. List the registration and expiration dates for the vehicle.
6. Identify the IRP registrant and, if appropriate, the lessor.

IMPORTANT: The original cab card must be carried in the vehicle for which it is issued.